

establish that the DNC officials claimed to the opponent tribal representatives that they could cause the Hudson application to be denied by Interior, or seek to do so, in exchange for campaign contributions, or that they could seek to have or have Interior approve the application if the opponents did not agree to provide contributions. As set forth above in the bribery analysis, there is insufficient evidence to prove any such extortionate conduct in the Hudson matter.

The statute prohibiting promise of a federal benefit, 18 U.S.C. § 600, provides as follows:

Whoever, directly or indirectly, promises any . . . benefit, provided for or made possible in whole or in part by any Act of Congress . . . to any person as consideration, favor or reward for any political activity or for any support of or opposition to any candidate or any political party in connection with any general or specific election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, shall be fined under this title or imprisoned not more than one year, or both.

There is little case law on 18 U.S.C. § 600. The text of the statute appears to require a clear understanding that a specific benefit under a federal statute be promised in exchange for political activity. In the Hudson matter, the evidence would have to be sufficient to show that White House or Interior officials promised to take action to affect the Hudson application in exchange for campaign contributions or other political activity. As set forth above, there is insufficient evidence to prove any such conduct in the Hudson matter.

Finally, to establish a criminal deprivation of honest services, the government must show that an individual engaged in a scheme to defraud the public of its intangible right to the honest and faithful services of a government official, and used interstate wires or mail in furtherance of

⁷⁷⁷(...continued)

U.S.C. § 1951(a), or aiding and abetting or causing extortion under 18 U.S.C. § 2. *See United States v. Splitter*, 800 F.2d 1267, 1276-78 (4th Cir. 1986); *United States v. Margiotta*, 688 F.2d 108, 130-33 (2d Cir. 1982), *cert. denied*, 461 U.S. 913 (1983).